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RL:0238

HB 309, HD 1

RELATING TO THE REMOVAL OF CORAL

Statement for
House Committee on Ecology, Environment and Recreation
Public Hearing 21 March 1977

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HB 309, HD 1, proposes amendments to State laws to strengthen controls on the removal of coral. The Environmental Center has reviewed a number of predecessor bills with the same purpose: HB 2941 (1976), HB 3940 (1976) (RL:0180, 9 March 1976); and HB 309 (1977) (RL:0197, 17 February 1977). This statement is based in part on those earlier reviews. It is being submitted for review to the Legislative Subcommittee of the Environmental Center of the University of Hawaii. It does not represent an institutional position of the University.

HB 309, HD 1, would consolidate laws on coral removals in a new section to be added to HRS Chapt. 188, which deals with Fishing Rights and Regulations. As a part of that section, it presumably deals with the taking of live corals and individual coral heads, as is appropriate. The controls it proposes are not appropriate to the mining of coral rock, especially on land. If it might be interpreted as applying to coral rock mining, this undesirable extension could readily be avoided by defining coral, in the context of the new section, to mean live coral and individual coral heads. The bill would provide that the DLNR control the taking of corals through a permit program, leaving it up to the DLNR to establish through regulations the conditions under which permits may be issued. The guidance to these conditions provided in subsec. (d) of the bill is appropriate.

We note that the bill provides in subsec. (e) that the possession of coral on or within the waters of the State establishes a rebuttable presumption that the coral has been taken from those waters. It should be recognized that the possession on land of dying or recently killed corals establishes an essentially non-rebuttable presumption that the corals have been taken from the State's waters, although this may be so obvious as not to need special notice in the bill.

Incidentally, the bill would delete a present provision in the law regarding an experimental sand mining project that has been completed.